

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

AT ANCHORAGE

CAROLYN MITCHELL,)
)
Plaintiff,)
)
vs.)
)
ANCHORAGE POLICE)
DEPARTMENT and THE)
MUNICIPALITY OF)
ANCHORAGE, a municipal)
corporation, WALTER)
MONEGAN, Officer JOHN)
DOE I, and Officer JOHN)
DOE II,)
)
Defendants.)

Case 3-05-cv-00273-JWS

DEPOSITION TRANSCRIPT

OF

CAROLYN MITCHELL

* * * * *

May 5, 2006

* * * * *

Exhibit E

1 APPEARANCES:

2 FOR THE PLAINTIFF:

3 MR. MOSHE MITCHELL
4 MR. ISAAC D. ZOREA
7540 East 17th Avenue
Anchorage, AK 99504

5 FOR THE DEFENDANT:

6 MS. JOYCE WEAVER-JOHNSON
7 Municipal Attorney
Municipality Attorney's Office
8 632 West 6th Avenue
Suite 730
9 Anchorage, AK 99501

10 Also Present:

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11 Walter Monegan
12 Officer Vass
Officer Henikman

* * * * *

1 backwards and they said drop your hands and the next
2 thing I know, I felt them putting handcuffs on me and
3 then they said to me do you have any weapons? And I said
4 no, I don't have any weapons. I hadn't done anything.
5 What have I done? And then they say [said] well, we'll
6 explain to you in a moment what's going on, and then they
7 begin [began] to take my purse. Well, my purse was
8 already down on the ground and they moved me by this
9 police car, which was parked right there, and they didn't
10 put me in the car, they took me around to the back of the
11 car by the trunk of the car and they went through my
12 purse and they started ransacking everything out of my
13 purse. I had personal stuff in my purse that, you know,
14 was like none of their business. It was my stuff and so
15 they went through my purse and one of the officers asked
16 me was I military and I said yes, my husband is, and so
17 they took my stuff out of my wallet and then one of them
18 got on the phone and I don't know what it is that he done
19 [did] and so as I was standing there, I was asking the
20 officer for them please not to do that because you guys
21 are scaring my baby, and so I asked them if they could
22 take the handcuffs off of my hands because it was hurting
23 my wrists. One of the officers acted like that he wanted
24 to do it and the other one say [said] no, leave them on
25 her. And the next thing I know -- no, I asked them

1 before they moved me to the car if my son could use my
2 cell phone to call his dad and they said no and so --
3 because we never leave Marcus unattended. Marcus never
4 goes anywhere by himself. If he goes to the bathroom, we
5 stand and guard the door, and so, you know, he was just
6 standing over there by himself and he was scared, and so,
7 you know, then they -- after they went and checked my ID
8 card and did all of that and I told them take the
9 handcuffs off of me because they was [were] hurting my
10 arm, and he wouldn't do it, you know, and then the next
11 thing I knew, they had to move me to the corner of the
12 street, and I was asking the officer why do I have to
13 stand here? And he was saying that we was [were] waiting
14 on a bank teller to come to identify you. So, they had
15 me standing there on the corner and all of these cars are
16 just passing by, passing by, looking at me. It kind of
17 reminded me, you know, the day that Jesus was crucified,
18 how everybody was standing out there just looking at him.
19 You know what I mean? Mocking him, and I'm not saying
20 that the people were doing that, but just in my mind it
21 was just like they seen [saw] me standing there, a couple
22 of people I recognized. They recognized me. So, a
23 couple of minutes later as we were standing there, my
24 church -- people from my church had passed by and a
25 brother yelled and he say [said] sister Mitchell, sister

1 Mitchell. He said are you okay? And I said no, I'm not
2 okay. So they immediately pulled their van over and they
3 got out and they ran across the street and they asked the
4 officer, they say [said] why is she standing here in
5 handcuffs? And the officer say [said] well, she was a
6 suspect in a bank robbery, and he say [said] sister
7 Mitchell? He says sister Mitchell didn't rob no [any]
8 bank, and he say [said] well, we're not going nowhere
9 [anywhere], we are going to stand right here with you,
10 and I asked them not to stand there with me and asked
11 them to go over to where my son was. I couldn't even see
12 him at this point. All kind of stuff kept going through
13 my mind that somebody would go take him, lure him off
14 somewhere, and so he went over and stood by my son and
15 his wife stood there by me. And I stood there and I know
16 20 - 25 - 30 minutes had to have passed by and I am still
17 standing there, and all of a sudden this one cop car just
18 kept patrolling by and I mean he was like looking at me
19 and I am standing there and I'm like oh, my God, you
20 know, what in the world is going on. That is the only
21 thing I kept thinking and so as I was standing there,
22 then maybe about ten minutes later, they come with this
23 other police car and the police car was like parked so
24 many feet from me as I was standing there, and then one
25 of the officers came over to get me and I was standing

1 robber?

2 A I have never seen this one client again. She came in to
3 get her hair done and she was talking to me about that.
4 I've never seen her anymore and it was really, really
5 hard for me to even just look at people, to be around
6 people.

7 Q Well, who was the woman that you never saw again?

8 A Her name is Cee and that is all I know.

9 Q Letter C. Well, she was.....

10 A Her name is Cee.

11 Q Her name, so you know how she spelled that?

12 A C-e-e, I think.

13 Q If she was your client, you probably had her phone
14 number, didn't you?

15 A I probably do have her number in my directory.

16 Q We're going.....

17 A She was a client of one of my other coworkers and she
18 kind of liked the way that I styled hair so she started
19 coming to me.

20 Q And what reason do you have to believe that your being
21 mistaken for a bank robber caused her to stop coming to
22 you?

23 A I mean, she had never came [come] back and she was coming
24 frequently before then.

25 Q But what reason other than the timing do you have? Is

1 there any other reason?

2 A She wouldn't have another reason. This would be the
3 reason I think that she stopped coming.

4 Q Has anyone ever cancelled an appointment with you because
5 you had been mistaken for a bank robber?

6 A You know what, that's kind of a hard question to answer
7 because I know that I cancelled people because I couldn't
8 deal with it.

9 Q What do you mean, because you were too upset to?

10 A Well, it was just that at that point in time it was just
11 still some things that I had to understand as to why that
12 happened to us and it was just like I said, it was just a
13 trauma of everything.

14 Q What did you conclude why did it happen to you?

15 A I don't know.

16 Q And back to my question; do you know anyone who has
17 cancelled an appointment because of this other than you
18 cancelling your own appointments?

19 A The only -- and I'll leave it just what I just said.

20 Q You didn't go to Elmendorf. Have you at any time had any
21 medical care as a result of this incident?

22 A Not from Elmendorf, no.

23 Q From anywhere, any doctor, any medical care provider of
24 any kind?

25 A Other than my counselor?

1 of a military soldier, I guess, in a sense when they are
2 standing at rest because he was more or less just
3 standing there at guard like, you know, I'm doing what I
4 got to do type of thing, and so after I seen [saw] him
5 like that, I was like, you know, I'm not going to talk.
6 I'm just going to stand here and I'm just going to pray
7 and that's what I did.

8 Q Who was the woman that stood with you for awhile? Was
9 that Charlotte?

10 A Charlotte Lacodoe.

11 Q And was she just chatting with you or what was she doing?

12 A No, she wasn't talking to me because they knew that it
13 wasn't a pleasant situation and they knew that I was very
14 uncomfortable being there and when they came -- when they
15 approached me and they wanted to know if I was okay and,
16 of course, they talked to the officer and asked him why
17 was I there, and I just, you know, they said well, we're
18 going to stay here with you and I was like no, I need you
19 guys to stand with my baby. So I mean, there was nothing
20 to talk about.

21 Q So Charlotte didn't stand with you?

22 A Charlotte and her husband were standing there. They
23 approached me.

24 Q Yeah (affirmative), but did they stay with you? No?

25 A Well, Jerared left and he went to go check with Demarcus

1 to find out if Demarcus was okay. I want to say that
2 Charlotte was there, that she stayed there.

3 Q There with you?

4 A Yeah (affirmative), I want to say that she stayed there.

5 Q Do you remember if she tried to shield you from being
6 seen or recognized?

7 A Well, I kind of take it that she knew that it was
8 uncomfortable for me and she couldn't shield me. How
9 could she have shielded me? I'm like -- and I don't know
10 if whether you're familiar with Benson, but Ms. Joyce, I
11 believe that you are. Benson is a very busy street.
12 You've got people that are on one side of Sears, the
13 other side of Sears that's over by the Carrs and that
14 little area. Then you've got the circus going on across
15 the street. You've got Marie's where she does the same
16 type of work I do and people are like in and out, in and
17 out. It was just there's no way I couldn't have hide
18 [hid] if I wanted to.

19 Q You mentioned a couple of times that Officer Henikman
20 moved you from one place to another to a corner. Was
21 there something wrong with moving you to the corner?

22 A Why?

23 Q You don't know why?

24 A Well, you know, I'm asking -- well, you're asking me the
25 questions, I'm sorry, I didn't mean to flip that like